

BEFORE THE  
COMMISSION ON STATE MANDATES  
STATE OF CALIFORNIA

RECONSIDERATION OF PRIOR DECISION  
ON:

Education Code Sections 35256.1 and 41409.3,  
added by Statutes 1989, Chapter 1463;

Education Code Section 41409, as amended by  
Statutes 1992, Chapter 759;

Education Code Section 33126, as amended by  
Statutes 1993, Chapter 1031, Statutes 1994,  
Chapter 824; and

Education Code Section 35258, as added by  
Statutes 1997, Chapter 918.

Directed by Statutes 2004, Chapter 895, Section  
18 (Assem. Bill No. 2855),

Effective January 1, 2005.

Case No.: 04-RL-9721-11

***School Accountability Report Cards I***

NOTICE OF RECONSIDERATION, BRIEFING  
AND HEARING SCHEDULE

HEARING DATE: May 26, 2005

TO: Bakersfield City School District  
Sweetwater Union High School District  
Department of Education  
Department of Finance  
State Controller's Office  
Legislative Analyst  
Interested Parties and Legislative Committees

Statutes 2004, chapter 895, section 18 (Assem. Bill No. 2855, effective January 1, 2005), requires the Commission on State Mandates to reconsider its decision in 97-TC-21, on the *School Accountability Report Card* mandate, and its parameters and guidelines for calculating the state reimbursement for that mandate pursuant to Section 6 of Article XIII B of the California Constitution by December 31, 2005. The Commission is directed to reconsider the following statutes in light of federal statutes enacted and state court decisions rendered since these statutes were enacted:

Statutes 1989, Chapter 1463  
Statutes 1992, Chapter 759  
Statutes 1993, Chapter 1031  
Statutes 1994, Chapter 824  
Statutes 1997, Chapter 918

## **Administrative Record**

The administrative record for reconsideration will consist of the original test claim and related filings and exhibits, staff analyses, decisions, parameters and guidelines, State Controller's Claiming Instructions, statewide cost estimate, minutes and transcripts of the Commission on State Mandates. The administrative record will be supplemented with the Legislative Analyst's 2003 report entitled: *New Mandates: Analysis of Measures Requiring Reimbursement*, Statutes 2004, chapter 895, all correspondence, public comments and briefs filed pursuant to this notice of reconsideration.

The Commission will begin posting this notice and record on its website ([www.csm.ca.gov](http://www.csm.ca.gov)) on December 16, 2004. When this website is updated, email notices will be sent to those persons who have signed up for the electronic mailing list.

Commission members shall receive copies of the administrative record of the original test claim proceedings (including parameters and guidelines and statewide cost estimate), and all documents on reconsideration, including the draft staff analysis, comments and briefs filed by interested parties, interested persons, and affected state agencies, and the final staff analysis and exhibits.

## **Mailing List**

Commission staff has created a consolidated e-mail list for this reconsideration. This notice is being mailed to the original test claim mailing list and also to interested parties and affected state agencies that have been identified by the Commission on State Mandates. On the reconsideration, there is no lead claimant and the Legislature is the requestor.

## **Request for Initial Briefing:      **Opening briefs due January 31, 2005****

### **Rebuttal briefs due February 15, 2005**

Statutes 2004, Chapter 895, Section 18 (Assem. Bill No. 2855), directing the Commission to reconsider the prior final decision in *School Accountability Report Cards*, follows:

Notwithstanding any other law, the Commission on State Mandates shall, on or before December 31, 2005, reconsider its decision in 97-TC-21, relating to the School Accountability Report Card mandate, and its parameters and guidelines for calculating the state reimbursement for that mandate pursuant to Section 6 of Article XIII B of the California Constitution for each of the following statutes in light of federal statutes enacted and state court decisions rendered since these statutes were enacted:

- (a) Chapter 1463 of the Statutes of 1989.
- (b) Chapter 759 of the Statutes of 1992.
- (c) Chapter 1031 of the Statutes of 1993.
- (d) Chapter 824 of the Statutes of 1994.
- (e) Chapter 918 of the Statutes of 1997.

Although Statutes 1997, chapter 912, was part of the original mandate determination, it was not included in the reconsideration statute, and therefore cannot be reconsidered by the Commission without specific statutory authority.

Commission staff requests that the parties file simultaneous opening briefs and rebuttal comments on each of the following issues:

?? In light of federal statutes enacted and state court decisions rendered since the named statutes were enacted, is there a new program or higher level of service imposed on school districts within the meaning of section 6, article XIII B of the California Constitution, and if so, are there costs mandated by the state pursuant to Government Code section 17514 and Government Code section 17556?<sup>1</sup>

?? Have funds been appropriated for this program (e.g., state budget)<sup>2</sup> or are there any other sources of funding available? If so, what is the source?

?? What is the period of reimbursement for the Commission's decision on reconsideration?

Any interested party, affected state agency, or interested person may comment, submit briefs, or correspond with the Commission on this request for initial briefing and rebuttal comments. An original and one copy or an original and a .pdf file shall be submitted to the Commission. The pdf file shall be emailed to [www.csminfo.ca.gov](http://www.csminfo.ca.gov). The comments will be posted on the Commission's website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2.<sup>3</sup>

All filings must comply with the following requirements:

?? Assertions or representations must be supported by documentary evidence and must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief.

?? If the comments or briefs cite to federal or state laws, regulations, executive orders, or court decisions, copies of those documents must be included in the filing. Court decisions that involve the Board of Control or the Commission on State Mandates are exempt from this requirement.

### **Draft Staff Analysis and Comments**

On or about **March 17, 2005**, the draft staff analysis and any supporting documentation will be posted to the Commission's website. All parties and interested parties will be notified of the website posting.

Interested parties, affected state agencies, and interested persons are invited to file comments with the Commission on the draft staff analysis by **April 8, 2005**.

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<sup>1</sup> Government Code section 17556, subdivisions (c) and (e) were amended by Statutes 2004, chapter 895 (Assem. Bill No. 2855).

<sup>2</sup> See Government Code section 17556, subdivision (e), as amended by Statutes 2004, chapter 895 (Assem. Bill No. 2855).

<sup>3</sup> The Commission's regulations are at California Code of Regulations, title 2, section 1181 et seq.

An original and one copy or an original and a .pdf file shall be submitted to the Commission. The pdf file shall be emailed to [www.csminfo.ca.gov](http://www.csminfo.ca.gov). The comments will be posted on the Commission's website. This will satisfy all the service requirements under California Code of Regulations, title 2, section 1181.2.

Comments on the draft staff analysis must comply with the following requirements:

- ?? Assertions or representations must be supported by documentary evidence and must be authenticated by declarations under penalty of perjury signed by persons who are authorized and competent to do so and must be based upon the declarant's personal knowledge or information or belief.
- ?? If the comments cite to federal or state laws, regulations, executive orders, or court decisions, copies of those documents must be included in the filing. Court decisions that involve the Board of Control or the Commission on State Mandates are exempt from this requirement.

### **Commission Hearing – May 26, 2005**

The Commission will hear and determine this reconsideration and may adopt the proposed revised statement of decision on **May 26, 2005**. A final staff analysis and proposed revised statement of decision on the reconsideration will be issued and posted to the Commission's website on or about **May 5, 2005**. If the proposed decision is not adopted, it will be set for adoption at the **July 28, 2005** hearing.

With the exception of section 1188.4 of the Commission's regulations, the hearing procedures in article 7 of the Commission's regulations in effect at the time of the hearing will apply. Since this reconsideration was not requested pursuant to Government Code section 17559, the hearing procedures set forth in section 1188.4 do not apply in this case.

Representatives of interested parties and affected state agencies and the Legislature will be asked to notify the Commission staff if they wish to testify. Time limits may be imposed if necessary.

### **Parameters and Guidelines**

The Commission, if necessary, shall revise its parameters and guidelines to be consistent with this reconsideration. A prehearing conference may be scheduled if requested by any party. See sections 1183.04 and 1187.4 of the Commission's regulations.

If you have any questions regarding this matter, please contact Nancy Patton at (916) 323-8217.

Dated: December 24, 2004

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PAULA HIGASHI, Executive Director